

# 35-39-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 13B2.3.B. (211.3) to permit a side yard setback of 3.7' instead of the required 5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Present income and interest rates do not allow the undersigned to purchase a larger home.
2. Family is growing need more space for children.
3. The undersigned is removing garage from middle of the back yard to the side of the house to allow more grass area for children to play.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
Phone No.  
Attorney's Telephone No.:  
Address  
Phone No.

Legal Owner(s):  
Mr. Robert William Funk  
(Type or Print Name)  
Signature  
Mrs. Anita Lynn Funk  
(Type or Print Name)  
Signature

4412 Darleigh Road  
Address  
Baltimore, MD 21236  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of June, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of August, 1984, at 10:15 o'clock A.M.

Cal J. J. J.  
Zoning Commissioner of Baltimore County.

(over)

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 2, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

cc: Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. & Mrs. Robert W. Funk  
4412 Darleigh Road  
Baltimore, Maryland 21236

RE: Case No. 85-39-A (Item No. 347)  
Petitioner: Robert W. Funk, et ux  
Variance Petition

Dear Mr. & Mrs. Funk:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the propriety of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
NE/S of Darleigh Rd., 120' : OF BALTIMORE COUNTY  
SE of the Centerline of :  
Mavis Ave. (4412 Darleigh :  
Rd.), 11th District :  
ROBERT W. FUNK, et ux, : Case No. 85-39-A  
Petitioners :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 26th day of July, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert W. Funk, 4412 Darleigh Road, Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman  
Peter Max Zimmerman

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

July 13, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item 347 (1983-1984)  
Property Owner: Robert W. Funk, et ux  
Location: NE/S Darleigh Road 120' S/E  
from c/l Mavis Avenue  
Acres: 92.99/57.91 x 126.80/149.07  
District: 11th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

Baltimore County highway and utilities improvements exist and are not directly involved.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

### Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 347 (1983-1984).

Very truly yours,  
GILBERT S. BERSON, P.E., ASCE, Chief  
Bureau of Public Services

GSB:EPW:JWR:jmr

## COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1984, Legislative Day No. 7

RESOLUTION NO. 31-84

Mr. Norman W. Lauenstein, Councilman

By the County Council, April 2, 1984

A RESOLUTION concerning the public disclosure of Robert W. Funk.

WHEREAS, Robert W. Funk of the Baltimore County Police Department is planning to construct a garage and an addition on to his home at 4412 Darleigh Road, Perry Hall, Maryland 21236, which garage and addition will be the subject of a Petition for Variance from the Baltimore County Zoning Regulations; and

WHEREAS, this Resolution is intended to serve as the public disclosure required by §22-11(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY the County Council of Baltimore County, Maryland, that the interest of Robert W. Funk in the property described herein and the Petition for Zoning Variance in connection therewith does not contravene the public welfare.

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-2011  
NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

7-13-84

Re: Zoning Advisory Meeting of 6-26-84  
Item # 347  
Property Owner: Robert W. Funk, et ux  
Location: NE/S Darleigh Rd.  
26 1/2 Mavis Ave.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access to this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on [ ]
- ( ) Landscaping should be provided on this site and shown on the plan.
- ( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is re-evaluated annually by the County Council.
- ( ) The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional Comments:

A resolution of 1st 1st is suggested, therefore a plat is required.

Norman E. Gerber  
Chief, Current Planning and Development

cc: James Howell

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. RENCKE  
CHIEF

July 3, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Robert W. Funk, et ux

Location: NE/S Darleigh Rd. 120' S/E from c/l Mavis Avenue

Item No.: 347 Zoning Agenda: Meeting of 6/26/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: George M. Regan  
Fire Prevention Bureau

/mb







July 16, 1984

Mr. & Mrs. Robert W. Funk  
4412 Darleigh Road  
Baltimore, Maryland 21236

NOTICE OF HEARING

Re: Petition for Variance  
NE/8 of Darleigh Rd., 120' SE of  
the c/l of Mavis Ave. (4412 Darleigh Rd.)  
Robert W. Funk, et ux - Petitioners  
Case No. 85-39-A

TIME: 10:15 A.M.

DATE: Monday, August 13, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

*[Signature]*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 130591

DATE: 6-11-84 ACCOUNT: R. 01-615-077

AMOUNT: 35.00

RECEIVED FROM: *[Signature]*  
FOR: *[Signature]* 347 Funk

6 105\*\*\*\*\*35001b 8124A

VALIDATION OR SIGNATURE OF CASHIER

85-39-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
28th day of June, 1984.

*[Signature]*  
ARNOLD JABLON  
Zoning Commissioner

Petitioner Robert W. Funk, et ux  
Petitioner's  
Attorney

Received by: *[Signature]*  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

Petition for Variances

11th Election District  
ZONING: Petition for Variances.  
LOCATION: Northeast side of Darleigh Road, 120 ft. Southeast of the centerline of Mavis Avenue (4412 Darleigh Road).

DATE & TIME: Monday, August 13, 1984 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variances to permit a side yard setback of 3.7 ft. instead of the required 8 ft.

Being the property of Robert W. Funk, et ux, as shown on plat plan filed with the Zoning Department. In the event that this Petition is granted, a building permit may be issued within thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of:  
Arnold Jablon  
Zoning Commissioner  
Of Baltimore County

The Times

Middle River, Md., July 26, 1984

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 26th day of July, 1984.

*[Signature]*  
Publisher.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11 Date of Posting: 7/28/84

Posted for: Petition for Variances

Petitioner: Robert W. Funk, et ux

Location of property: NE/8 Darleigh Rd., 120' SE of c/l of Mavis Ave.

Location of Signs: Front of property (# 4412 Darleigh Rd.)

Remarks:

Posted by: *[Signature]* Date of return: 8/3/84

Number of Signs: 1

PETITION FOR VARIANCE

11th Election District

ZONING: Petition for Variance.  
LOCATION: Northeast side of Darleigh Road, 120 ft. Southeast of the centerline of Mavis Avenue (4412 Darleigh Road).

DATE & TIME: Monday, August 13, 1984 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit a side yard setback of 3.7 ft. instead of the required 8 ft.

Being the property of Robert W. Funk, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of:  
ARNOLD JABLON  
Zoning Commissioner  
of Baltimore County

July 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 26, 1984.

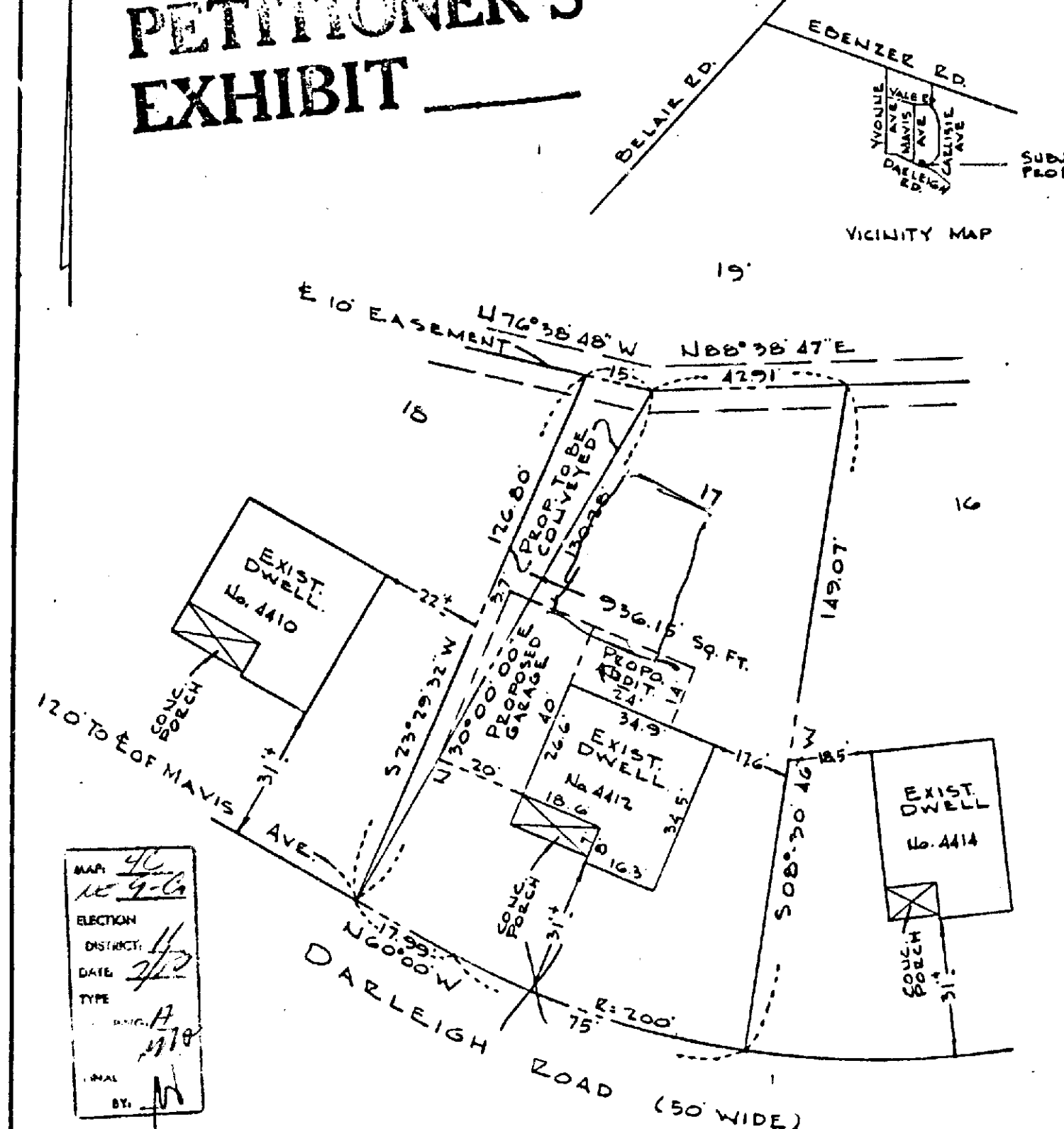
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 26, 1984.

THE JEFFERSONIAN,

*[Signature]*  
Publisher

\$20.00

PETITIONER'S  
EXHIBIT



I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

*[Signature]*

Note:  
Plat for Zoning Variance - Owner Robert W. Funk and Anita L. Funk, District No. 11, Zoned D.R. 5.5. Being Lot No. 17, Block E, as shown on the Plat of Section D, Joppa Vale, which Plat is recorded among the Land Records of Balto. Co. in Plat Book G.L.B. No. 24, folio 103, plus 936.15 square feet of Lot No. 18, shown hereon to be conveyed.

REG. NO. 8012

SCALE 1" = 30'	PLAT FOR ZONING VARIANCE 4412 Darleigh Road 11th District Balto. Co., Md.	STATE OF MARYLAND REGISTERED PROFESSIONAL LAND SURVEYOR
DATE 4/12/84	GENERAL SURVEYING CO. LAND & TOPOGRAPHIC SURVEYS	
JOB No. 0-8444	9 Lake Forest Court Baltimore, Md. 21236	

